

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 12951, of Camille and Charles Morgan, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from Paragraph 7107.21 to allow a second story addition to an existing building which now exceeds the percentage of lot occupancy and from the open court requirements (Sub-section 3306.1) in an R-4 District at the premises 604 Independence Avenue, S. E. (Square 870, Lot 118).

HEARING DATE: June 13, 1979

DECISION DATE: June 13, 1979 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located in the R-4 District on the north side of Independence Avenue between 6th and 7th Streets, S. E. and is known as 604 Independence Avenue, S. E.

2. The subject property is topographically flat, and rectangular in shape with an area of 1125 square feet and a narrow width of 15 feet.

3. The site is improved with a two story, masonry, row dwelling.

4. Most of the surrounding properties are row dwellings.

5. The subject property is approximately ninety years old and is a nonconforming structure in residential use.

6. The structure became nonconforming on May 12, 1958, the effective date of 1958 Zoning Regulations, due to a one story, frame, kitchen that was added to the house approximately thirty years ago by a former owner.

7. The structure became nonconforming because, as a result of the addition of the frame kitchen, it exceeded the lot occupancy requirements and had an open court width less than the six feet required under the Zoning Regulations.

8. The existing lot coverage of 729 square feet exceeds the permitted sixty percent maximum by fifty-four square feet.

The existing open court width of 3.33 feet is 2.67 feet less than the required six foot minimum.

9. The frame kitchen has already been replaced by a two story masonry structure which houses a replacement kitchen and a new second floor bedroom.

10. The new structure as built is not in compliance with the Zoning Regulations because architectural drawings drafted by a subcontractor and thereafter submitted for the building permit did not match the drawings proposed by the contractor, approved by the applicant, and thereafter, followed in construction.

11. The new structure does not increase the lot occupancy nor decrease the existing open court width. The first floor of the addition is a replacement of a former addition. The second floor addition is added over the replacement.

12. The new structure does not extend significantly further toward the rear of the lot than either of the abutting houses.

13. Virtually all the houses in the area have second floors that extend for their full length.

14. Letters were submitted to the record from the abutting property owners to the west and east in favor of granting the application.

15. Advisory Neighborhood Commission 6-B made no recommendation on the application. A member of the Zoning Committee of Advisory Neighborhood Committee 6-B testified that the Zoning Committee recommended that the application be granted.

16. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record the Board concludes that the requested variances are area variances, the granting of which requires the showing of a practical difficulty stemming from the property itself. The Board concludes that the small size and narrow width of the lot creates such a practical difficulty.

The Board notes the approval of the abutting property owners. The Board further concludes that the variance can be granted without substantial detriment to the public good

and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations. Accordingly, it is ORDERED that this application is GRANTED.

VOTE: 5-0 (Walter B. Lewis, William F. McIntosh, Charles R. Norris, Chloethiel Woodard Smith and Leonard L. McCants to grant).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 3 JUL 1979

UNDER Sub-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.